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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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DIVISION OF ENFORCEMENT

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September 25, 2023

VIA E-MAIL

Alex Spiro, Esq.
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010

Re: In the Matter of Certain Purchases, Sales, and Disclosures of Twitter Shares (SF-4519)
Elon Musk

Dear Mr. Spiro:

Thank you for your letter yesterday clarifying Mr. Musk's position regarding his outright refusal to appear for investigative testimony. As we pointed out in our September 14 letter, your objections are baseless and do not justify your client's noncompliance. For nearly four months after we agreed to Mr. Musk's September testimony date, you led us to believe that he intended to comply with the lawfully issued subpoena requiring his testimony. You did not raise any objections until two days before Mr. Musk's scheduled testimony, when you informed us that he did not intend to appear.

In your September 13 letter, you objected to the San Francisco location of Mr. Musk's testimony, because "Mr. Musk does not live" there. In response to this objection, and in good faith negotiation, we offered to conduct Mr. Musk's testimony in Texas and suggested numerous potential dates in October and November. We also offered several other locations in addition to San Francisco and Texas. Days later, you informed us that Mr. Musk was simply refusing to appear altogether.

If Mr. Musk has reconsidered his position and will agree to appear for testimony, please notify us by 5 pm PT on Friday, September 29, 2023. Otherwise, we intend to seek appropriate judicial relief.

Sincerely,

Robin Andrews
Senior Counsel